IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Revision No. 1744 of 2001
Date of Decision: March 27, 2009

Major Singh ***.....Petitioner***

Versus

State of Punjab ***.....Respondent***

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr.P.S.Ahluwalia, Advocate and
Mr.Vinod Arya, Advocate for the petitioner.
Mr. Amandeep Sigh Rai,AAG Punjab

Sabina, J.

Petitioner- Major Singh was convicted for an offence under Sections 279 and 338 of the Indian Penal Code (`IPC ` for short) by the Judicial Magistrate Ist Class Rupnagar vide judgment dated 22.11.1999. Vide order of even date, petitioner was sentenced to undergo rigorous imprisonment for six months under Section 279 IPC and to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- under Section 338 IPC. Aggrieved by the same, petitioner filed an appeal and the same was dismissed by the Additional Sessions Judge, Rupnagar vide order dated 20.11.2001. Hence, the present revision petition.

The brief facts of the case, as noticed by the Appellate Court in para 2 of its judgment, are as under:-

> " The brief facts of the case, as advanced by the prosecution are that one Balwinder Singh alias Sangat Singh son of Bishan Singh resident of village Mohalla Ghumara, Chamkaur Sahib made a statement to the police that on 6.7.1997 at about 8.30 PM he

alongwith Pardeep Singh alias Deepa resident of Chamkur Sahib were present at Garcha Petrol Pump and after getting the oil from there, they came out from Petrol Pump. When they reached at the road side one scooter bearing No. PAM-5179 Bajaj Chetak being driven by one Major Singh was seen coming from the side of canal bridge Chamkaur Sahib. At that time, one Maruti Van No. CH-01-2013 came from the back side. It was being driven by its driver, so rashly and negligently that it hit the scooter being driven by Major Singh. As a result of this hit, Major Singh fell down on the pacca road and he got injuries in his head as well as upper portion of the left leg. He became unconscious. The complainant with the help of Pardeep Singh stopped the Maruti Van and its driver had kept small beard and he was wheatish colour and on his head, he had worn Towel. Major Singh scooter driver was sent to Civil hospital Chamkaur Sahib in the same Maruti Van. The Maruti van driver left Major Singh and scooter driver in the hospital and then ran away from there. After recording statement of Balwinder Singh son of Bishan Singh, a formal FIR was registered. The investigations were conducted in the matter, during which the Maruti Van was taken in custody, its driver Major Singh son of Ajmer Singh was also arrested, site plan was drawn, photographs of the scooter were taken on the spot, documents of the scooter as well as of the van were taken in custody and after completion of the investigations challan against the accused was presented in the Court for his trial under Sections 279/337/338 IPC."

In the present case, notice of motion was issued qua sentence only on 27.11.2001. Thereafter, the case was admitted on 14.11.2002.

Learned counsel for the petitioner has submitted that the accident had taken place on 6.7.1997. Petitioner was the only bread winner of the family and was not a previous convict and has been facing the criminal proceedings since the year 1997. The sentence qua imprisonment be reduced to already undergone by the petitioner.

Keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the petitioner.

Accordingly, sentence qua imprisonment is reduced to already undergone by the petitioner.

Revision petition stands disposed of accordingly.

(Sabina)
Judge

March 27, 2009

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Writ Petition No. 396 of 2009
Date of Decision: March 27, 2009

Narinder Kaur .....*Petitioner*

Versus

State of Punjab and others .....*Respondents*

Coram: Hon'ble Mrs. Justice Sabina

Present: Mr. N.G.Sharma, Advocate for the petitioner.

Sabina, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking issuance of a writ of Habeas corpus for recovery of her children who are alleged to be illegaly detained by respondents No. 6 and 7.

Respondents No. 6 and 7 are the father and grand father of the children in question. Prima-facie, no case is made out to the effect that the children are in illegal custody of their father and grand father. No ground for interference is made out.

Petition is dismissed.

(Sabina)
Judge

March 27, 2009

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